

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

JOSHUA DEMETREUS RAMEY

PLAINTIFF

VERSUS

CIVIL ACTION NO. 4:12-cv-190-HSO-RHW

J.G. KUFEL

DEFENDANT

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION, GRANTING DEFENDANT'S MOTION TO DISMISS,
AND DISMISSING CASE WITHOUT PREJUDICE**

This matter comes before the Court on the Report and Recommendation [14] of United States Magistrate Judge Linda R. Anderson, entered in this case on October 8, 2013. The Magistrate Judge reviewed Defendant J.G. Kufel's Motion to Dismiss Without Prejudice for Failure to Prosecute [13] filed on June 25, 2013, and recommended that the Motion be granted. Report and Recommendation [14], at 3.

The Report and Recommendation [14] was mailed to Plaintiff Joshua Demetreus Ramey on October 8, 2013. Any objection to the Magistrate Judge's Report and Recommendation [14] was due within fourteen (14) days of service, L.U. Civ. R. 72(a)(3), or by October 25, 2013. To date, Petitioner has not filed any objection to the Magistrate Judge's Report and Recommendation [14].

Where no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of it. 28 U.S.C. § 636(b)(1) ("a judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made"). In such cases, the Court applies the "clearly erroneous, abuse of

discretion and contrary to law" standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court concludes that the Magistrate Judge's findings are not clearly erroneous, nor are they an abuse of discretion or contrary to law. For the foregoing reasons, the Court will adopt the Magistrate Judge's Report and Recommendation [14] as the opinion of this Court. Defendant J.G. Kufel's Motion to Dismiss Without Prejudice for Failure to Prosecute [13] will be granted, and this civil action will be dismissed without prejudice.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Report and Recommendation [14] of Magistrate Judge Linda R. Anderson, entered on October 8, 2013, is adopted in its entirety as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that, Defendant J.G. Kufel's Motion to Dismiss Without Prejudice for Failure to Prosecute [13] is **GRANTED**, and this civil action is **DISMISSED WITHOUT PREJUDICE**. A separate judgment in accordance with this Order will be entered, as required by Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED, this the 29th day of October, 2013.

Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE